

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-320-T - ORDER NO. 2007-832
NOVEMBER 19, 2007

IN RE: Request for Exemption of Requirement that)	DECLARATORY ORDER
Transportation Vehicles be Marked Pursuant)	ADDRESSING
to PSC Regulations)	PLACARDING OF
)	VEHICLES

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Petition of the Office of Regulatory Staff (ORS) for an Order clarifying Commission requirements for the placarding of Class C Charter vehicles. We grant the Petition and issue this Order to clarify.

26 S.C. Code Ann. Regs. 103-153 (Supp. 2006) provides in relevant part that “No carrier regulated by the Public Service Commission shall operate any motor vehicle upon the highways in the transportation of property or passengers for compensation unless the name, or trade name, place of principal office, and PSC I.D. number appear on both sides of such vehicle in letters and figures not less than three (3) inches high.” In Docket No. 2002-320-T, Absolutely Charleston, Inc. had petitioned the Commission to request a waiver of the placarding requirements of this regulation in regard to the Lincoln Towncars and Chevrolet Suburban SUVs which it used to transport passengers in and around the City of Charleston. This request was based, in part, on the principle that limousines, towncars (in the generic sense of the term), and other “prestige” vehicles may be depreciated by placarding and that such markings may be considered unsightly. The

Commission subsequently issued Order No. 2002-739, which actually authorized a waiver of the placarding requirements for all vehicles used to provide solely Class C Charter services. In other words, the Commission waived the requirements of the regulation for all vehicles used to provide only Class C Charter services, including the Lincoln Towncars and Chevrolet Suburban SUVs of Absolutely Charleston, but also including any other vehicles that might be used in such service.

ORS recognizes and acknowledges that “prestige” vehicles may be depreciated by placarding and that such markings may be considered unsightly. However, ORS asserts that these “prestige” vehicles make up only a portion of the vehicles which operate under Class C Charter certificates in South Carolina. Numerous other vehicles, such as passenger vans, are operated under this class of vehicle. According to ORS, its Transportation Inspectors cannot easily identify whether vehicles such as passenger vans or other non-prestige vehicles are personal vehicles or for-hire charter vehicles, since there is no placarding requirement for any Class C Charter vehicle. According to ORS, identification of uncertified carriers would be greatly enhanced by a clarification of Order No. 2002-739 to restore the placarding requirements of Regulation 103-153 to all vehicles which do not meet the definition of “prestige” vehicles as outlined by that Order.

In addition, at present, ORS states that it and its investigators are uncertain, in light of the apparent conflict between the language of Regulation 103-153 and Order No. 2002-739, whether they have the proper authority to ticket any charter operators as violating the placarding requirements of Regulation 103-153.


We understand the difficulties presently experienced by ORS in dealing with Class-C Charters, and we agree with ORS that we should modify our holding under Order No. 2002-739. Accordingly, we hold as follows:

1. All vehicles, including those operating under the authority of Class C Charter certificates, which are certificated for the transportation of persons or property by the Commission, are hereby required to comply with the placarding requirements of Commission Regulation 103-153, with one exception as stated in the next paragraph.

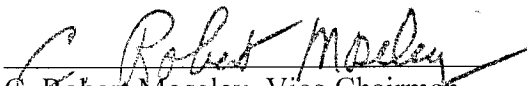
2. The only vehicles exempt from these placarding requirements are “prestige” vehicles, such as stretch limousines, towncars, and SUVs as addressed in Order No. 2002-739.

3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)